

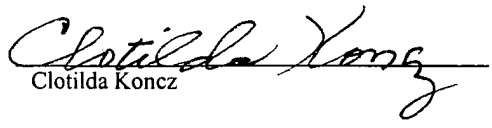
92.00/2623  
IFW

#8

Applicant : Sun Moon CHUN, et al.  
Serial No. : 09/195,897  
Filed : November-19, 1998  
Art Unit : 2713 2613  
Examiner : Samir AHMED  
Title : OBJECT-BASED CODING AND DECODING  
APPARATUSES AND METHODS FOR IMAGE  
SIGNALS  
Docket No. : 96-HU-57 CIP  
Customer No. : 27852

Certificate of Deposit of Mail

I hereby certify that this correspondence is being filed by depositing same in an envelope stamped first-class mail, addressed to Mail Stop: Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, in a duly marked U.S. Postal Service drop box, with appropriate postage, on Dec 27, 2005.

  
Clotilda Koncz

Mail Stop - Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
JAN 13 2006  
OFFICE OF PETITIONS

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE AND  
FAILURE TO PAY FINAL FEE  
(MPEP 71103(C)II AND 37 C.F.R. § 181) NO FEE REQUIRED**

This is a Petition to withdraw the holding of abandonment of the above-identified  
Application because of a failure to pay Final Fee.

The facts are as follows:

1. A Change of Address in this particular Application was mailed on July 16, 2001, to the Patent and Trademark Office. A copy of the Change of Address is enclosed, marked Exhibit A.

2. Enclosed is a copy of the cover sheet accompanying a Notice of Abandonment which was mailed on October 27, 2005, to Reed Smith and was sent to me and received in my office on December 7, 2005, marked Exhibit B. Also enclosed is a copy of a Notice of Abandonment, marked Exhibits C1 and C2.

3. To indicate that I have been working on and in connection with this Application and have had various contacts with the Patent Office, on April 22, 2005, a copy of a fax cover sheet, Exhibit D, and accompanying papers were sent to the Patent and Trademark Office forwarding a copy of a Combined Declaration and Power of Attorney and a copy of Revocation of Previous Power and Appointment of New Power of Attorney, see Exhibits E and F. The facsimile sheet of April 22, 2005, is also enclosed, and this was faxed on April 22, 2005.

I was called by the Patent and Trademark Office to reconstruct the file, and I had spent the time to reconstruct this Application for the Patent and Trademark Office because papers were lost. Application was worked on and handled with Ms. R. Pickney, telephone number 703-305-0033, Ext. 144.

4. Enclosed is a copy of a facsimile cover sheet dated January 5, 2005, Exhibit G, in which I forwarded to the Patent and Trademark Office amended claims

directed to Examiner Samir Ahmed indicating that I thought that these claims would put the Application into condition for allowance.

5. I have always checked the file periodically, and for this purpose, enclosed is Exhibit H, which is a copy of an acknowledgement card, dated December 3, 2004, Requesting Official Action. Exhibit H-1 inquiring about the Official Action.

6. Enclosed is a copy of an acknowledgement post card dated December 8, 2004, marked Exhibit I, with a copy of a Status Request attached.

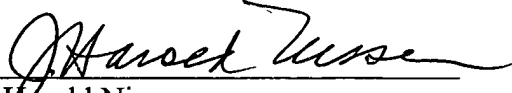
7. I never received the Notice of Allowance.

8. Therefore, it is respectfully requested that a new Notice of Allowance be issued so that this Application can be appropriately handled, and the Final Fee paid.

Accordingly, it is respectfully submitted that this Application should be revived.

Respectfully submitted,

LACKENBACH SIEGEL, LLP  
Attorneys for Applicant(s)

By:   
J. Harold Nissen  
Reg. No. 17283  
Telephone No.: 914-723-4300  
Direct No.: 914-723-0278  
Fax No.: 914-723-4301

Enclosure: Copies of Exhibits A to I



CUSTOMER NO. 28752

Honorable Director of U.S. Patent  
and Trademark Office  
Washington, D.C. 20231

Inventor: CHUN et al  
Docket No.: Phoenix 96-HU  
Serial No.: 09/195,897 - 57  
Resp. Due: \_\_\_\_\_  
Date Sent: 12-8-04

Sir:

Kindly acknowledge receipt of the accompanying

J.H. Nussen - 17,283

<input type="checkbox"/> _____ Month(s) Ext. of Time	<input type="checkbox"/> New Application	<input type="checkbox"/> _____ Sheets of Dwgs.
<input type="checkbox"/> Amendment	<input type="checkbox"/> Unsigned Decl.	<input type="checkbox"/> Formal Dwgs.
<input type="checkbox"/> Response	<input type="checkbox"/> Signed Decl.	<input type="checkbox"/> Informal Dwgs.
<input type="checkbox"/> Response to Final	<input type="checkbox"/> \$ _____ Check	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Appeal Brief	<input type="checkbox"/> \$ _____ Charge	<input type="checkbox"/> Assignment/Rec Form
<input type="checkbox"/> Priority Doc./Claim letter	<input type="checkbox"/> Issue Fee	<input checked="" type="checkbox"/> Other <u>Status</u>
<input checked="" type="checkbox"/> 37 CFR 1.8(a) Cert.	<input type="checkbox"/> Discl. Statement (IDS)	<u>Request</u>
<input type="checkbox"/> 37 CFR 1.10	<input type="checkbox"/> PTO - 1449	_____
Cert. No. _____	<input type="checkbox"/> _____ - No. of Refs.	_____

by placing your receiving date stamp hereon and mailing.  
Internal Firm Tab # \_\_\_\_\_ for check/charge

Cust. No. 28752  
Deposit Acct.  
SD-3108

Honorable Director of U.S. Patent  
and Trademark Office  
Washington, D.C. 20231

Inventor: CHUN et al  
Docket No.: Phoenix 96-HU  
Serial No.: 09/195,897 - 57  
Resp. Due: \_\_\_\_\_  
Date Sent: 12-8-04

Sir:

Kindly acknowledge receipt of the accompanying

J.H. Nussen - 17,283

<input type="checkbox"/> _____ Month(s) Ext. of Time	<input type="checkbox"/> New Application	<input type="checkbox"/> _____ Sheets of Dwgs.
<input type="checkbox"/> Amendment	<input type="checkbox"/> Unsigned Decl.	<input type="checkbox"/> Formal Dwgs.
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Cert. No. _____	<input type="checkbox"/> _____ - No. of Refs.	_____

by placing your receiving date stamp hereon and mailing.  
Internal Firm Tab # \_\_\_\_\_ for check/charge

Cust. No. 28752  
Deposit Acct.  
SD-3108

RECEIVED

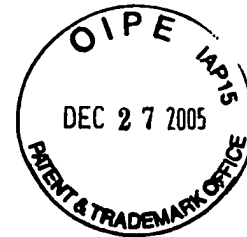
JAN 13 2006

EXHIBIT I

OFFICE OF PETITIONS

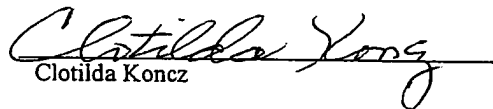
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 09/195,897  
Applicant : SUNG MOON CHUN, et al.  
Filed : November 19, 1998  
Docket No. : PHOENIX 96-HU-57  
TC/A.U. : 2713  
Examiner : Samir AHMED  
Title : OBJECT-BASED CODING AND APPARATUSES AND  
METHODS FOR IMAGE SIGNALE  
Customer No. : 28752



## Certificate of Deposit of Mail

I hereby certify that this correspondence is being filed by depositing same in an envelope stamped first-class mail, addressed to Mail Stop: \_\_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, in a duly marked U.S. Postal Service drop box, with appropriate postage, on Dec. 8, 2004.

  
Clotilda Koncz

Mail Stop -  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

JAN 13 2006

**OFFICE OF PETITIONS****STATUS REQUEST**

With reference to the above-identified Application, Applicant's attorney had a telephone discussion with the Examiner more than a year ago with respect to the present Application.

It was understood at that time that the file was lost and Applicant's attorney reconstructed the file for the Examiner.

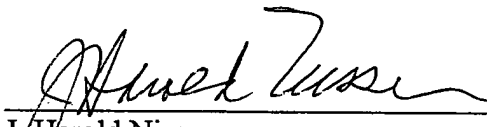
To facilitate matters, a copy of the papers mailed to the Examiner on July 25, 2003, are also enclosed.

Accordingly, it is understood that some action would take place and this letter is being submitted as a Status Request and Reminder. If the Examiner desires a discussion with Applicant's attorney, this is also possible.

Respectfully submitted,

LACKENBACH SIEGEL, LLP  
Attorneys for Applicant(s)

By:

  
J. Harold Nissen  
Reg. No. 17283  
Telephone No.: 914-723-4300  
Fax No.: 914-723-4301

Enclosure: Copy of papers submitted July 25, 2003



CUSTOMER NO. 28752

Honorable Director of U.S. Patent  
and Trademark Office  
Washington, D.C. 20231

Inventor: CHAN et al  
Docket No. 96-HU-57  
Serial No.: 09/195,897  
Resp. Due: \_\_\_\_\_  
Date Sent: 12-3-04

Sir:

Kindly acknowledge receipt of the accompanying

J. H. Nissen - 17,283

<input type="checkbox"/> _____ Month(s) Ext. of Time	<input type="checkbox"/> New Application	<input type="checkbox"/> _____ Sheets of Dwgs.
<input type="checkbox"/> Amendment	<input type="checkbox"/> Unsigned Decl.	<input type="checkbox"/> Formal Dwgs.
<input type="checkbox"/> Response	<input type="checkbox"/> Signed Decl.	<input type="checkbox"/> Informal Dwgs.
<input type="checkbox"/> Response to Final	<input type="checkbox"/> \$ _____ Check	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Appeal Brief	<input type="checkbox"/> \$ _____ Charge	<input type="checkbox"/> Assignment/Rec Form
<input type="checkbox"/> Priority Doc./Claim letter	<input type="checkbox"/> Issue Fee	<input checked="" type="checkbox"/> Other <u>Request</u>
<input checked="" type="checkbox"/> 37 CFR 1.8(a) Cert.	<input type="checkbox"/> Discl. Statement (IDS)	<u>OA</u>
<input type="checkbox"/> 37 CFR 1.10	<input type="checkbox"/> PTO - 1449	_____
Cert. No. _____	<input type="checkbox"/> _____ - No. of Refs.	_____

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Cust. No. 28752  
Deposit Acct.  
50-3108

Honorable Director of U.S. Patent  
and Trademark Office  
Washington, D.C. 20231

Inventor: CHAN et al  
Docket No. 96-HU-57  
Serial No.: 09/195,897  
Resp. Due: \_\_\_\_\_  
Date Sent: 12-3-04

Sir:

Kindly acknowledge receipt of the accompanying

J. H. Nissen - 17,283

<input type="checkbox"/> _____ Month(s) Ext. of Time	<input type="checkbox"/> New Application	<input type="checkbox"/> _____ Sheets of Dwgs.
<input type="checkbox"/> Amendment	<input type="checkbox"/> Unsigned Decl.	<input type="checkbox"/> Formal Dwgs.
<input type="checkbox"/> Response	<input type="checkbox"/> Signed Decl.	<input type="checkbox"/> Informal Dwgs.
<input type="checkbox"/> Response to Final	<input type="checkbox"/> \$ _____ Check	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Appeal Brief	<input type="checkbox"/> \$ _____ Charge	<input type="checkbox"/> Assignment/Rec Form
<input type="checkbox"/> Priority Doc./Claim letter	<input type="checkbox"/> Issue Fee	<input checked="" type="checkbox"/> Other <u>Request</u>
<input checked="" type="checkbox"/> 37 CFR 1.8(a) Cert.	<input type="checkbox"/> Discl. Statement (IDS)	<u>OA</u>
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Cert. No. _____	<input type="checkbox"/> _____ - No. of Refs.	_____

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Cust. No. 28752  
Deposit Acct.  
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JAN 13 2006

OFFICE OF PETITIONS

EXHIBIT H

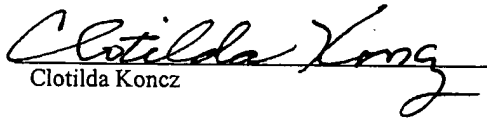
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/195,897  
 Applicant : SUNG MOON CHUN, et L.  
 Filed : November 19, 1998  
 TC/A.U. : 2713  
 Examiner : Samir AHMED  
 Docket No. : 96-HU-57/PHOENIX  
 Customer No. : 28752  
 Title : OBJECT-BASED CODING AND APPARATUSES AND  
 METHODS FOR IMAGE SIGNALS

**RECEIVED****JAN 13 2006****OFFICE OF PETITIONS**

## Certificate of Deposit of Mail

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 addressed to Mail Stop: \_\_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
 22313-1450, in a duly marked U.S. Postal Service drop box, with appropriate postage, on Dec. 3, 2004.

  
 Clotilda Koncz

Mail Stop -  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

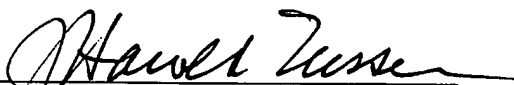
With reference to the above-identified Application, transmitted herewith are  
 copies of correspondence sent to the Patent and Trademark Office on July 25, 2003.

It is understood that the file has been reconstructed and Applicant's attorney, the  
 undersigned, should like to know when an Official Action will be received.



If any fees are needed, please charge them to our Deposit Account 50-3108.

Respectfully submitted,  
LACKENBACH SIEGEL, LLP  
Attorneys for Applicant(s)

By:   
J. Harold Nissen  
Reg. No. 17283  
Telephone No.: 914-723-4300  
Fax No.: 914-723-4301

Enclosure: Copy of July 25, 2003, letter  
Acknowledgement Card

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being mailed to the Assistant Commissioner of Patents as first class mail to the Patent and Trademark Office, Washington, DC 20231, on 30 June 99



/ RUTH MONTALVO

Date: 6/30/99**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No.: 96-HU-57/HJM

Applicant: Sung Moon CHUNG, et al.

Art Unit: 2713

Serial No.: 09/195,897

Filed: November 19, 1998

For: **OBJECT-BASED CODING AND DECODING APPARATUSES  
AND METHODS FOR IMAGE SIGNALS**Assistant Commissioner for Patents,  
Washington, D.C. 20231**RECEIVED**

JAN 13 2006

**OFFICE OF PETITIONS****REVOCATION OF PREVIOUS POWER  
AND APPOINTMENT OF NEW POWER OF ATTORNEY**

S I R:

Please revoke all previous powers. We here by appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent & Trademark Office connected therewith:

LLOYD McAULAY, Reg. No. 20,423; J. HAROLD NISSEN, Reg. No. 17,283;  
JULES E. GOLDBERG, Reg. No. 24,408; GERALD H. KIEL, Reg. No. 25,116;  
FRANCIS C. HAND, Reg. No. 22,280; and EUGENE LeDONNE, Reg. No.  
35,980; all of the firm of McAULAY NISSEN GOLDBERG KIEL & HAND, LLP,  
261 Madison Avenue, New York, NY 10016-2391.

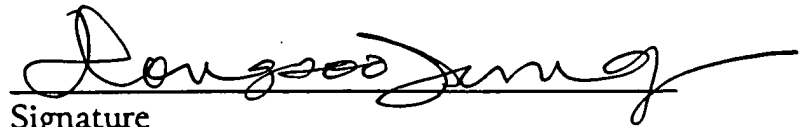
Address all telephone calls to: J. Harold Nissen, at (212) 986-4090

Address all correspondence to: J. Harold Nissen, Esq.

McAulay Nissen Goldberg Kiel & Hand, LLP, 261 Madison Avenue, New York,  
NY 10016-2391, U.S.A.

HYUNDAI ELECTRONICS IND. CO., LTD.

Dated: 28th June 1999

  
Signature

By: Dong Soo CHUNG/Director, Patent Dept.  
Name and title of person signing

\*\*\*\*\* -COMM. -\*\*\*\*\* DATE JAN-05-2005 TIME 14:13 \*\*\*\*\*

MODE = MEMORY TRANSMISSION

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FILE NO.=215

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-LACKENBACH SIEGEL LLP -

\*\*\*\*\* -914 723 4301 - \*\*\*\*\*

**LACKENBACH SIEGEL LLP**

Lackenschach Siegel Building  
One Chase Road  
Scarsdale, New York, U.S.A. 10583

Direct: (914) 723-4350-Ext. 143  
Phone: (914) 723-4300  
Fax: (914) 723-4301  
E-Mail: hnissen@lsllp.com

**FACSIMILE COVER SHEET**

DATE: January 5, 2005 Re: Proposed Amended Claims

TO: Examiner Samir Ahmed  
U.S. Patent & Trademark Office FAX NO.: 703-746-6010

FROM: J. Harold Nissen No. of Pages: 3 (with cover sheet)

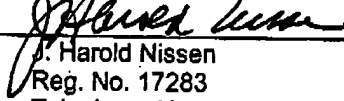
Applicant: Sung Moon CHUN, et al.  
Serial No.: 09/195,897  
Filed: November 19, 1998  
Art Unit: 2713  
Examiner: Samir AHMED  
Docket No.: Phoenix 96-HU-57 CIP  
Title: OBJECT-BASED CODING AND APPARATUSES AND METHODS FOR IMAGE SIGNALS  
Our Ref: 96-HU-57 CIP

**RECEIVED****JAN 13 2006****OFFICE OF PETITIONS**

Dear Mr. Ahmed:

This will confirm my telephone interview with you today, and I am forwarding to you the revised claims as I believe they can be amended to place the Application into condition for allowance. If you approve, let me know and I will discuss this further with the client/Applicant. Also, please note that I did not use the new Patent and Trademark Office format because I did not want these claims entered without your, and the Applicant's, approval.

Respectfully submitted,

By:   
J. Harold Nissen  
Reg. No. 17283  
Telephone No.: 914-723-0278  
Fax No.: 914-723-4301

CONFIDENTIAL: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, or have encountered any problem in receiving it, please notify us immediately by telephone. Thank you.

EXHIBIT G

**Lackebach**  
INTELLECTUAL PROPERTY  
ATTORNEYS SINCE 1923 **Siegel, LLP**

Lackebach Siegel Building  
One Chase Road

Scarsdale, New York, U.S.A. 10583

**FAXED**  
4/22/05

CUSTOMER NO. 28752

Phone: (914) 723-4300  
Fax: (914) 723-4301  
Direct: (914) 723-0278  
E-Mail: HNISEN@LSLLP.com

**FACSIMILE COVER SHEET**

**DATE:** April 22, 2005

**TO:** U.S. Patent & Trademark Office **FACSIMILE NO.:** 703-308-6642

**FROM:** J. Harold Nissen **NO. OF PAGES:** 8

**RE:** U.S. Patent Application Serial No. 09/195,897

**Filed:** November 19, 1998

**Inventor:** Sun Moon CHUN, et al.

**Art Unit:** 2713

**Examiner:** Samir AHMED

**Title:** OBJECT-BASED CODING AND DECODING  
APPARATUSES AND METHODS FOR  
IMAGE SIGNALS

**Our Ref:** Phoenix 96-HU-57 CIP

**RECEIVED**

JAN 13 2006

OFFICE OF PETITIONS

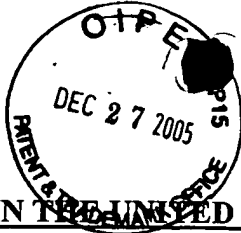
*To  
Ms K. PICKNEY*

*Harold Nissen  
Reg No 17283  
Sorry for the delay*

EXHIBIT D

O:\1 Documents\Phoenix International\2005\Clo\96-HU-57 CIP - 4-22 fax cover sheet to PTO.doc

CONFIDENTIAL: This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, or have encountered any problem in receiving it, please notify us immediately by telephone. Thank you.



CUSTOMER NO. 28752

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Sun Moon CHUN, et al.  
Serial No. : 09/195,897  
Filed : November 19, 1998  
Art Unit : 2713  
Examiner : Samir AHMED  
Title : OBJECT-BASED CODING AND DECODING  
APPARATUSES AND METHODS FOR IMAGE  
SIGNALS  
Docket No. : 96-HU-57 CIP  
Customer No. : 27852

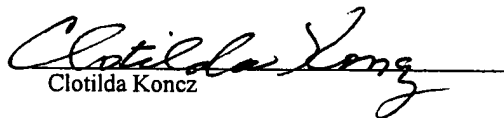
**RECEIVED**

**JAN 13 2006**

**OFFICE OF PETITIONS**

**Certificate of Deposit of Mail**

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Clotilda Koncz

Mail Stop -  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

**JAN 13 2006**

**OFFICE OF PETITIONS**

**LETTER TO THE PATENT AND TRADEMARK OFFICE**

In connection with a telephone call received from a Ms. K. Piney(?), transmitted herewith are three (3) pages of the combined Declaration and Power of Attorney and a fourth (4<sup>th</sup>) page regarding the change of the Power of Attorney.

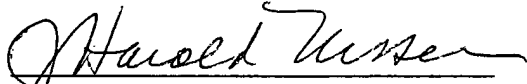
If anything further is required to reconstruct this file, please advise. This matter is being transmitted by facsimile transmission to (703) 308-6642.

If any fees are needed, please charge them to our Deposit Account 50-3108.

Respectfully submitted,

LACKENBACH SIEGEL, LLP  
Attorneys for Applicant(s)

By:



J. Harold Nissen

Reg. No. 17283

Telephone No.: 914-723-4300

Fax No.: 914-723-4301

Attached: Copy of Combined Declaration and Power of Attorney  
Copy of Revocation of Previous Power and Appointment  
of New Power of Attorney

MODE = MEMORY TRANSMISSION

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END=APR-22 09:57

FILE NO.=275

STN NO.	COMM.	ONE-TOUCH/ ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
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-LACKENBACH SIEGEL -

\*\*\*\*\* -914 723 4301 - \*\*\*\*\* 914 723 4301- \*\*\*\*\*

**Lackenbach**  
INTELLECTUAL PROPERTY  
ATTORNEYS SINCE 1923 **Siegel, LLP**

CUSTOMER NO. 28752

Lackenbach Siegel Building  
One Chase Road

Scarsdale, New York, U.S.A. 10583

Phone: (914) 723-4300  
Fax: (914) 723-4301  
Direct: (914) 723-0278  
E-Mail: HNISSSEN@LSLLP.com

## FACSIMILE COVER SHEET

DATE: April 22, 2005

TO: U.S. Patent & Trademark Office FACSIMILE NO.: 703-308-6642

FROM: J. Harold Nissen NO. OF PAGES: 8

RE: U.S. Patent Application Serial No. 09/195,897

Filed: November 19, 1998

Inventor: Sun Moon CHUN, et al.

Art Unit: 2713

Examiner: Samir AHMED

Title: OBJECT-BASED CODING AND DECODING  
APPARATUSES AND METHODS FOR  
IMAGE SIGNALS

Our Ref: Phoenix 96-HU-57 CIP

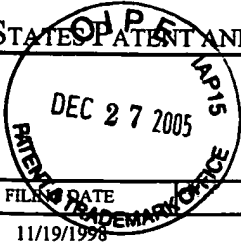
To  
Mr K. PICKNEY

*Harold Nissen*  
*Reg No 17183*  
*Sorry for the delay*





UNITED STATES PATENT AND TRADEMARK OFFICE

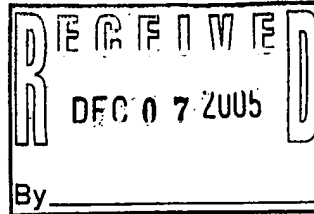


UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/195,897	11/19/1998	SUNG MOON CHUN	06730/017001	4818

26418 7590 10/27/2005

REED SMITH, LLP  
ATTN: PATENT RECORDS DEPARTMENT  
599 LEXINGTON AVENUE, 29TH FLOOR  
NEW YORK, NY 10022-7650



EXAMINER	
AHMED, SAMIR ANWAR	
ART UNIT	PAPER NUMBER
2623	7

DATE MAILED: 10/27/2005

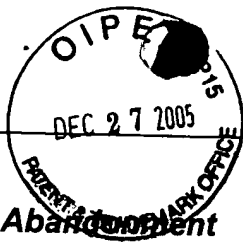
Please find below and/or attached an Office communication concerning this application or proceeding.

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EXHIBIT B



CUSTOMER NO. 28752

**Notice of Abandonment**

Application No.

09195897

Examiner

AHMED, SAMIR ANWAR

Applicant(s)

SUNG MOON CHUN

Art Unit

2623

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

## Attachment to Notice of Abandonment



**For questions concerning the notice contact  
Office of Patent Publication  
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

### **Respond to the Notice of Abandonment by one of the following:**

**1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

**2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

**3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment